



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/646,484	05/08/96	MOON	B 27951-00023

THOMAS L. CRISMAN
JENKENS AND GILCHRIST
3200 FOUNTAIN PLACE
1445 ROSS AVENUE
DALLAS TX 75202-2799

LM21/0311

EXAMINER

THLANG, E

ART UNIT

2781

PAPER NUMBER

DATE MAILED:

03/11/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
08/646,484Applicant(s)
Moon, Billy G.Examiner
Eric S. ThlangGroup Art Unit
2781

THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires _____ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Oct 16, 1997 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☒ will not be entered because:
- ☒ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: The newly added subject matter in claim 11, 18, and 21 of "capable of operating in both full duplex and half duplex mode", ~~which~~ require further search.

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
(see attachment)

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 11-21

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Other


AYAZ R. SHEIKH
SUPERVISORY PATENT EXAMINER
GROUP 2700

Part III DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed February 27, 1998 have been fully considered but they are not persuasive.
2. The applicant's arguments with respect to the cited prior art are addressed as follows:

A. The examiner indicated that the amendments to Claim 11 comprised newly added subject matter which would require further search.

B. However, the Examiner provided no indication as to whether the amendments with respect to Claims 18 and 21 were given consideration. Applicant does not believe that these amendments would require a new such and respectfully submits that these amendments, along with the arguments made with respect to the Hamilton reference in the previously filed amendment, sufficiently distinguish these claims over the art of record and respectfully requests a Notice of Allowance.

As per independent claims 18 and 21, Examiner do believe that Hamilton (5,175,766) reference teaches or read on all claimed limitations in claim 1 previous rejection, and furthermore teaches:

(a) means for storing data to be transmitted by the transmitter, the means for storing generating an indication when data for transmission is contained therein (Figs. A-C; col. 27, lines 21-28; col. 29, lines 20-68);

(b) receiver control circuitry for disabling the receiver in response to at least one of the indications of whether the apparatus is in a full duplex mode, the indication of whether the receiver enable flag is set and the indication of whether the means for storing contains data for transmission (e.g., see Figs. 112A-C, 120-121, col. 52, lines 45-62); and

(c) control circuitry for completely disabling a receiver responsive to at least one of the first, second and third indicators (e.g., see Figs. 112A-C, and 120-121).

EST
March 8, 1998


AYAZ R. SHEIKH
SUPERVISORY PATENT EXAMINER
GROUP 2700